

Falls Church, Virginia 22041

---

File: D2005-135

Date: DEC 29 2005

In re: LEROY ALLEN MARTIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

On October 28, 2005, the Board issued a final order of discipline against the respondent, and suspended him from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) for a period of 60 days. On November 14, 2005, the respondent filed a "Notice of Appeal" on Form EOIR-45. As the Board has already issued a final order of discipline in the respondent's case, we will construe the "Appeal" to be a motion to reconsider pursuant to 8 C.F.R. § 1003.2(b).

As noted in our earlier decision, on May 19, 2005, the Supreme Court of California suspended the respondent from the practice of law in that state for a period of 2 years, with an actual suspension of 60 days. In his motion, the respondent states that did not practice law in any form during the effective date in his suspension. The respondent states that he was reinstated to practice law in California on September 20, 2005.

The Office of General Counsel agrees that the respondent has been reinstated to practice law in California, and agrees that the respondent did not practice law during the effective date of his suspension in California. Therefore, the Office of General Counsel recommends that the Board amend its October 28, 2005, order to be effective *nunc pro tunc* to June 18, 2005, the effective date of the California suspension order. We agree with the Office of General Counsel that such amendment is reasonable under the circumstances and it is so ordered.

ORDER: The Board's October 28, 2005, order in this case is amended so the order of discipline against the respondent is effective *nunc pro tunc* to June 18, 2005, the effective date of the suspension order of the California Supreme Court in the respondent's case.

  
\_\_\_\_\_  
FOR THE BOARD